



Agenda Date: 4/12/06
Agenda Item: 2C

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

DIVISION OF ENERGY

IN THE MATTER OF THE PETITION OF)	
NEW JERSEY NATURAL GAS COMPANY)	ORDER ADOPTING
FOR THE ANNUAL REVIEW AND REVISION)	STIPULATION
OF ITS SOCIETAL BENEFITS CLAUSE)	
("SBC") FACTORS)	DOCKET NO. GR04121565

(SERVICE LIST ATTACHED)

BY THE BOARD

BACKGROUND

On December 15, 2004, New Jersey Natural Gas Company ("NJNG", "Petitioner", or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board"), for the annual review and revision of its Societal Benefits Clause ("SBC") factors. The SBC is comprised of the Remediation Adjustment Clause ("RAC"), the Universal Service Fund ("USF"), the Consumer Education Program ("CEP"), the New Jersey Clean Energy ("NJ Clean Energy") Program,¹ and the Transportation Initiation Clause ("TIC"). The petition proposed to leave unchanged the Company's SBC rate and the individual component factors, previously approved by Board Order dated October 5, 2004 in Docket Nos. GR03060425, GR03030200, GR01010013, GR99100781, and GR980101017.

The SBC was established as part of the Electric Discount and Energy Competition Act ("EDECA"), N.J.S.A. 48:3-49 et seq., as a mechanism to recover the costs associated with: 1) remediation of former manufactured gas plant ("MGP") sites, disposal sites, or sites to which MGP material may have migrated as a result of the prior operation or decommissioning of a

¹Formerly designated as the Demand Side Management Adjustment Clause ("DSMAC") or Comprehensive Resource Analysis ("CRA")

MGP site; 2) consumer education; 3) assistance to low-income customers through the USF; 4) renewable and energy efficiency programs, and 5) utility efforts to encourage competition through the TIC and CEP factors.

By Board Order dated June 24, 1992 in Docket No. GR91081383J, and subsequently as part of Docket No. GO99030123, (the unbundling proceeding) NJNG received permission to seek recovery of Manufactured Gas Plant remediation costs on a deferred basis over a rolling seven-year period.

SETTLEMENT

After extensive discovery, representatives of the Company, Board Staff, and the Division of the Ratepayer Advocate, the only parties to this proceeding (collectively the "Parties"), met to discuss the matters at issue. As a result of those discussions, on January 27, 2006, the Parties entered into the attached Stipulation.

The following are the salient provisions of the Stipulation:

NJNG's CEP costs, including carrying costs, eligible for recovery through the CEP factor total \$9,621.00 as of September 30, 2004. Since the CEP component of NJNG's SBC is currently set at \$0.000, rate recovery of these costs are part of NJNG's most recently filed SBC case in Docket No. GR05100846. In that filing, the Company is also proposing to eliminate the CEP classification as a separate component of the SBC factor.

NJNG's Clean Energy costs including carrying costs, eligible for recovery through the NJ Clean Energy factor total \$8,979,578.00 as of December 31, 2004. The Company's current New Jersey Clean Energy component of \$0.0095 per therm after-tax is designed to allow the Company to recover \$6,903,755.00 of New Jersey Clean Energy costs during the twelve month period ending December 31, 2005. Since NJNG'S current CEP factor does not provide for rate recovery of all eligible program costs, NJNG is seeking recovery of these costs in NJNG's most recently filed SBC case in Docket No. GR05100846.

NJNG's TIC costs, including carrying costs, eligible for recovery through the TIC total \$70,652.00 as of September 30, 2004. Since the TIC component of NJNG's SBC is currently set at \$0.000, the Company is seeking rate recovery of these costs as part of NJNG's most recently filed SBC case in Docket No. GR05100846.

NJNG's RAC costs, including carrying costs, eligible for recovery through the RAC factor total \$17,596,621.00 as of June 30, 2004. The currently effective \$0.0258 after-tax rate per therm for the RAC component of the SBC will remain the same and was designed to recover RAC related costs during the twelve months ended September 30, 2005.

Unless specifically addressed in the Stipulation of Settlement, all issues emanating from this docket relating to the Company's SBC factor, including RAC factor expenditures incurred by the Company during the two-year period July 1, 2002 through June 30, 2004, and CEP, USF and Lifeline, NJ Clean Energy and TIC expenditures included in the instant filing, have been examined and are resolved.

The Company agrees to provide a final reconciliation of its annual RAC factor recovery within ninety (90) days of the close of each RAC recovery year, which will include the

calculation of actual volumes that recovered the RAC factor and the net expense or credit amount which will be carried over to the next recovery year.

The Company represented that there are no NRD costs contained in this filing; therefore the Parties recommend that the Board not make a determination in this docket as to the reasonableness, or the rate recoverability under the Company's RAC, of NRD damages or related costs, if any.

This filing includes \$819,230.09 of legal costs and litigation expenses associated with the Long Branch Mass Tort litigation. The Parties recommend that these expenditures not be approved for rate recovery in this docket. The Company is to defer all such legal costs and litigation expenses in a separate RAC sub account and can seek their recovery in a subsequent docket.

The Company agrees that it shall adopt and comply with the Minimum Filing Requirements (MFRs) contained in Attachment B of the stipulation for all future RAC filings.

DISCUSSION AND FINDINGS

The Board, having reviewed the Stipulation in this proceeding HEREBY FINDS it to be reasonable, in the public interest, and in accordance with law. Accordingly, the Board HEREBY APPROVES the attached Stipulation in its entirety and incorporates its terms and conditions as though set forth herein. The Board HEREBY APPROVES the after-tax SBC, RAC, CEP, USF, NJ Clean Energy and TIC rates, as discussed herein. In doing so, there will be no change in the individual components of or overall SBC rate currently in effect. The after-tax overall SBC rate will remain at \$0.0489 per therm, subject to modification, if necessary, in the Company's pending SBC filing in BPU docket no. GR05100846.

The Board HEREBY DIRECTS the Company to provide a final reconciliation of its annual RAC recovery within ninety (90) days of the completion of each RAC recovery year. This reconciliation will include the calculation of actual volumes which recovered the RAC factor and the resultant net expense or credit amount which is to be carried over to the next RAC recovery year.

The Board HEREBY DIRECTS the Company to defer all legal costs and litigation expenses associated with the Long Branch Mass Tort litigation in a separate RAC sub-account.

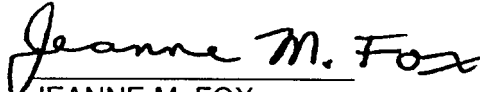
It must be recognized that the Board's approval herein does not obviate the need for, and is in fact contingent upon, the Company holding a public hearing in accordance with N.J.S.A. 48:2-32.4 before the implementation of any rate increases associated with the RAC balance approved in this Order as well as any other upward adjustments to the RAC petitioned for in future annual RAC true-up proceedings.

The Board HEREBY DIRECTS the Company to comply with the Minimum Filing Requirements (MFRs) contained in Attachment A of the Stipulation for all future RAC filings. The Board FURTHER DIRECTS the Company to include in all future RAC filing testimony, a summary of all RAC activities for the period under review, as well as the general status of litigation, insurance recoveries, and projected RAC activities.

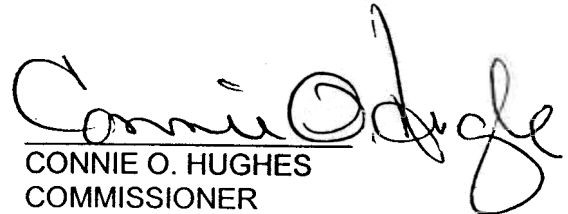
Petitioner's SBC costs shall remain subject to audit by the Board. This Decision and Order shall not preclude, nor prohibit, the Board from taking any actions determined to be appropriate as a result of any such audit. Nothing herein shall limit the Board from taking any such actions.

DATED: 4/13/06


BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

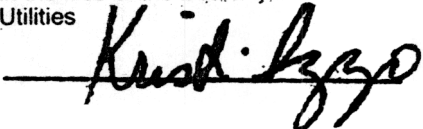

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



In the Matter of the Petition of New Jersey Natural Gas
Company For the Annual Review and Revision of its
Societal Benefits Clause ("SBC") Factors
Docket No. GR04121565

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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE PETITION OF
NEW JERSEY NATURAL GAS COMPANY
FOR THE ANNUAL REVIEW AND
REVISION OF ITS SOCIETAL BENEFITS
CLAUSE ("SBC") FACTORS**

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**BPU Docket No.
GR04121565**

STIPULATION

APPEARANCES:

Frederick W. Peters, Esq., Law Offices of Frederick W. Peters, and **Tracey Thayer, Esq.**, New Jersey Natural Gas Company for the Petitioner, New Jersey Natural Gas Company

Felicia Thomas-Friel, Esq., Managing Attorney, **Judith B. Appel, Esq.**, Assistant Deputy Ratepayer Advocate, and **Henry Ogden, Esq.**, Assistant Deputy Ratepayer Advocate, Division of the Ratepayer Advocate (**Seema M. Singh, Esq.**, Ratepayer Advocate)

Babette Tenzer, Esq., Deputy Attorney General, and **Suzana Loncar, Esq.**, Deputy Attorney General, for the Staff of the Board of Public Utilities (**Nancy Kaplen, Esq.**, Acting Attorney General of New Jersey)

TO: THE NEW JERSEY BOARD OF PUBLIC UTILITIES

1 On December 15, 2004, New Jersey Natural Gas Company ("NJNG" or the "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") Board for the annual review and revision of the Company's Societal Benefits Clause ("SBC") factors in Docket No. GR04121565. The SBC includes the Remediation Adjustment ("RA") clause, the

Universal Service Fund ("USF"), the Consumer Education Program ("CEP"), the New Jersey Clean Energy ("NJ Clean Energy") program,¹ and the Transportation Initiation Clause ("TIC").

2. The SBC was established as part of the Electric Discount and Energy Competition Act ("EDECA"), N.J.S.A. 48:3-49 et seq., for the recovery of costs associated with remediation, consumer education, assistance to low-income customers through the USF, renewable and energy efficiency programs through the NJ Clean Energy Program and utility efforts to encourage competition through such factors as the CEP and TIC.

3. There is no rate impact to customers associated with the instant docket because the Company's filing herein proposes to maintain the same SBC rate, and related factors, approved by the BPU in its "Order Adopting Initial Decision and Stipulation" issued on October 5, 2004, in Docket Nos. GR03060425 et al. Specifically, the Company proposes to maintain its BPU-authorized and approved after-tax overall SBC rate of \$0.0489 per therm consisting of the following individual rates: its after-tax RA rate of \$0.0258 per therm; its after-tax CEP rate of \$0.0000 per therm; the statewide, after-tax USF factor (including the Lifeline program) of \$0.0136 per therm; its after-tax NJ Clean Energy factor of \$0.0095 per therm; and its after-tax TIC factor of \$0.0000 per therm. The Company's filing was not transmitted to the Office of Administrative Law as a contested case nor, given the absence of any proposed increase in rates, was a public hearing on the Company's petition required under N.J.S.A. 48:2-21

¹ Formerly designated as Demand Side Management Adjustment Clause ("DSMAC"), or Comprehensive Resource Analysis ("CRA").

4. Representatives of NJNG, Board Staff and the Ratepayer Advocate (the "Parties"), the only Parties to these proceedings, have conducted extensive discovery and held meetings to discuss the matters at issue in these proceedings. As a result of those discussions, the Parties have reached this Stipulation addressing the determination and implementation of the Company's SBC billing factor, including its related RA, CEP, USF and Lifeline, NJ Clean Energy and TIC factors.

5. Specifically, based upon and subject to the terms and conditions set forth herein, the Parties **STIPULATE AND AGREE** that:

(a) The Company's currently-effective after-tax SBC billing factor, including its RA, CEP, USF and Lifeline, NJ Clean Energy and TIC factors shall continue to remain in effect until changed by further Order of the Board. The specific dollar amount to be collected through each component of the SBC billing factor, if any, is described below and shown on Attachment A.

- a. NJNG's CEP costs (including carrying costs) eligible for recovery through the CEP factor total \$9,621 as of September 30, 2004. Since the CEP component of the SBC is currently set at \$0.0000, these costs are included for recovery in the Company's recently filed SBC case, Docket No. GR05100846.
- b. NJNG's NJ Clean Energy costs (including carrying costs) eligible for recovery through the NJ Clean Energy factor total \$8,979,578 as of December 31, 2004. The \$0.0095 after-tax rate per therm NJ Clean Energy component of the SBC is designed to enable the Company to

recover \$6,903,755 of NJ Clean Energy related costs during the twelve months ending December 31, 2005. Since the NJ Clean Energy component currently does not recover all of the eligible costs, these costs are included for recovery in the Company's recently filed SBC case, Docket No. GR05100846.

- c. NJNG's TIC costs (including carrying costs) eligible for recovery through the TIC total \$70,652 as of September 30, 2004. Since the TIC component of the SBC is currently \$0.0000, these costs are included for recovery in the Company's recently filed SBC case, Docket No. GR05100846.
- d. NJNG's RA costs (including carrying costs) eligible for recovery through the RA factor total \$17, 596, 621 as of June 30, 2004. The \$0.0258 after-tax rate per therm for the RA component of the SBC is not changing at this time and was designed to enable the Company to recover those RA related costs during the twelve months ending September 30, 2005.

(b) Except as noted below, all issues raised by the Company's filing herein relating to the Company's SBC factor, including RA factor expenditures incurred by the Company during the two-year period July 1, 2002 through June 30, 2004, and all CEP, USF and Lifeline, NJ Clean Energy and TIC expenditures included in the Company's filing, have been examined and are resolved.

6. The Company agrees to provide a final reconciliation of its annual RA factor recovery within ninety (90) days of the completion of each RA recovery year, which reconciliation will include the calculation of actual volumes that recovered the RA factor and the resultant net expense or credit amount which is to be carried over to the next recovery year. Recovery and adjustment of the RA Factor is subject to the Parties' review of NJNG's RA expenditures and reconciliation thereof in NJNG's 2005-2006 RA proceeding which was filed on September 30, 2005. Recovery of the RA Factor shall also continue to be subject to the same conditions as set forth in the Stipulations approved by the Board in its December 21, "Order Adopting Initial Decision" in Docket No. 94070333, and its November 22, "Decision and Order Adopting Initial Decision and Stipulation" in Docket No. GR95090409.

7. The Company represents that its 2004-2005 RA Filing in this proceeding does not include the proposed recovery of any administrative, legal, consulting or other costs associated with Natural Resource Damage ("NRD") claims currently being investigated by the New Jersey Department of Environmental Protection. The Parties accordingly stipulate and agree that the Board should make no determination in this proceeding as to the reasonableness, or the recoverability under the Company's RA clause, of NRD damages or related costs, if any. Parties reserve their rights to argue their respective positions on these and related issues in future proceedings, as appropriate.

8. The Company's filing herein includes legal costs and litigation expenses totaling \$819,230.09 associated with the Long Branch Mass Tort litigation. The parties stipulate and agree that such expenditures shall not be approved for recovery in this docket. The Company shall defer all such legal costs and litigation expenses in a separate RA subaccount and can seek

their recovery in a subsequent docket. The parties further stipulate and agree that no immediate change to the Company's RA factor is required to reflect the reclassification and deferral of legal costs and expenses pursuant to this paragraph because the Company's 2005-2006 RA filing was filed on September 30, 2005, in which filing the Company reconciled and fully accounted for the referenced deferral of costs.

9. The Company, as part of its 2005-2006 RA filing proposed modified and updated tariff pages that eliminate the CEP rate classification as a separate component of the SBC factor, which proposed change is explained and supported through written testimony.

10. The Company agrees that it shall adopt and comply with the Minimum Filing Requirements (MFRs) contained in Attachment B for all future RA filings. Additionally, all future RA filings shall include testimony that shall summarize the RA activities for the period under review, as well as the general status of litigation, insurance recoveries, and projected activities.

As part of this Stipulation, the Parties agree that expenditures the Company seeks to recover through the RA factor may be subject to audit. Such audit may be through a review of the Company's Internal Audits conducted in relation to this proceeding or through any other audit mechanism determined to be appropriate by the Board.

12. The Parties stipulate and agree that this Stipulation fully disposes of all issues in controversy, is consistent with the law, and is in the public interest. This Stipulation represents a mutual balancing of interests, contains interdependent provisions and, therefore, is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, as appropriate, then any Party aggrieved

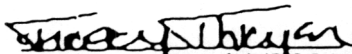
thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, as appropriate, in any applicable Order(s), then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

13. It is the intent of the Parties that the provisions hereof be approved by the Board as being in the public interest. The Parties further agree that they consider the Stipulation to be binding on them for all purposes herein.

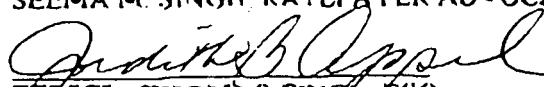
14. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of these proceedings. Except as expressly provided herein, neither NJNG, the Board, its Staff, nor the Ratepayer Advocate shall be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein.

WHEREFORE, the Parties hereto do respectfully submit this Stipulation to the Board and request that the Board issue a Decision and Order approving this Stipulation in its entirety, in accordance with the terms hereof, as soon as reasonably possible

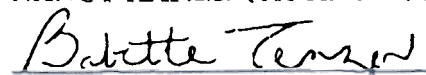
**NEW JERSEY NATURAL GAS COMPANY
PETITIONER**

By: 
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TRACEY THAYER, ESQ.
New Jersey Natural Gas Company

**DIVISION OF THE RATEPAYER ADVOCATE
SEEMA M. SINGH, RATEPAYER ADVOCATE**

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MANAGING ATTORNEY
JUDITH B. APPEL, ESQ.
HENRY OGDEN, ESQ.
ASSISTANT DEPUTY RATEPAYER ADVOCATES

**STAFF OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES
NANCY KAPLEN, ACTING ATTORNEY GENERAL OF NEW JERSEY**

By: 
BABETTE TENZER, ESQ.
SUZANA LONCAR, ESQ.
DEPUTY ATTORNEYS GENERAL

Dated: January 27, 2006

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New Jersey Natural Gas Company

Net impact of Proposed Rate Change

(\$/therm)

Component of		Current		Proposed		Change	
		Pre-tax	Post-tax	Pre-tax	Post-tax	Pre-tax	Post-tax
RAC	Delivery Price	0.0243	0.0258	0.0243	0.0258	0.0000	0.0000
TIC	Delivery Price	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
USF statewide	Delivery Price	0.0128	0.0136	0.0128	0.0136	0.0000	0.0000
CEP	Delivery Price	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NJ Clean Energy	Delivery Price	0.0090	0.0095	0.0090	0.0095	0.0000	0.0000
NET IMPACT		0.0461	0.0489	0.0461	0.0489	0.0000	0.0000

Impact on Residential Heating Customers- Assume 100 therm bill

Current Prices-01/06

Customer Charge		\$6.54	Monthly \$6.54
Delivery	100	\$0.3504	\$35.04
BGSS	100	\$1.2471	\$124.71
Total		\$1.5975	\$166.29

Proposed Prices

Customer Charge		\$6.54	\$6.54
Delivery	100	\$0.3504	\$35.04
BGSS	100	\$1.2471	\$124.71
Total		\$1.5975	\$166.29

Additional Increase in Monthly bill	\$0.00
Increase as a %	0.00%

Projected Annual Post-tax SBC revenue

Projected jurisdictional therms calendar '06 721,212 (000s)

	Projected Revenue at Current Rate \$million	Projected Revenue at Proposed Rate \$million	Change \$million
RAC	\$18.6	\$18.6	\$0.0
TIC	0.0	0.0	0.0
USF statewide	9.8	9.8	0.0
CEP	0.0	0.0	0.0
NJ Clean Energy	6.9	6.9	0.0
NET IMPACT	\$35.3	\$35.3	\$0.0

**I/M/O New Jersey Natural Gas Company's
Petition for the Annual Review and Revision of its
Societal Benefits Clause (SBC) Factors
BPU Docket No. GR04121565**

Agreed-upon Minimum Filing Requirements for Future RAC proceedings

RAC-1	<p>A vendor listing for the prior RAC period, containing the following information for each vendor:</p> <ol style="list-style-type: none"> 1) Vendor expenditures by MGP site, including the July 1 through June 30 expenditures. If June data is not available at the time of the filing, the available data should be provided and supplemented as soon as practical; 2) A description of the services provided; 3) The amount of each vendor invoice; 4) An explanation of amounts that appear more than once for a particular service that is provided by the same vendor, and 5) An explanation of any negative amounts.
RAC-2	<p>For each MGP site, a copy of the latest work plan, remediation report, or major work product submitted to the NJDEP. The copies should include the narrative portion of the report or work plan but need not include the technical supporting work papers, charts and tables.</p>
RAC-3	<p>For each MGP site, all correspondence between the Company and the NJDEP concerning submissions for the site, reply comments, and other major items that have a material impact on the remediation activities and the associated costs incurred by the Company. The correspondence should span the eighteen months preceding June 30 of the most recent RAC period.</p>
RAC-4	<p>For each MGP site, expense documentation for any contractor or supplier whose invoices for the RAC period exceed \$250,000 in aggregate. The expense documentation should include descriptions of services rendered, applicable invoices, and any tracking of invoiced charges vs. budgets. The expense detail need not include expense reports or time sheets, but it should include supporting documentation for any subcontractors and third party expenses totaling \$100,000 for the period.</p>
RAC-5	<p>For each MGP site, a narrative description and organization chart for that site, showing the vendors and project control structure for the remediation effort. The documentation should show which entities supervise all significant contractors and subcontractors and also which Company personnel are involved in site and remediation supervision and control.</p>

RAC-6	A detailed narrative describing Company activities and any reimbursements received which are related to insurance claims or potentially responsible parties' liabilities. The narrative with supporting documentation should cover the prior RAC period for all of the Company's MGP sites.
RAC-7	Copies of any RAC audit reports or related materials prepared by the Board's Audit Staff, FERC, or the Company's internal or external auditors during the previous eighteen months and, to the degree applicable, any materials prepared in response to the audits or in compliance with any audit findings.
RAC-8	A narrative concerning all material events, whether related to NJDEP mandates or not, that could have an impact on the Company's ultimate MGP remediation liability. The narrative should encompass all sites, whether or not active remediation efforts on the site are underway.
RAC-9	Schedules and supporting work papers and documents that show the reconciliation of the prior period RAC expenditures and recoveries as well as the derivation of the deferred tax credit and the interest accrual on any unamortized balances. The documentation should show the basis for the determination of any prospective RAC recovery factor.
RAC-10	The Company's bid evaluation studies, reports, work papers or other material relating to the two largest MGP remediation contracts awarded during the previous RAC period. The documentation should include the criteria utilized for bid evaluation and comparisons between the terms and conditions offered by the competitive bidders.
RAC-11	Documentation relating to the two largest supplemental contract amendments authorized by the Company during the previous RAC period. The documentation should provide the contractor's request for supplemental funding, the reasons cited for the request, the Company's evaluation and action taken concerning the request.
RAC-12	Documentation relating to any instances during the previous RAC period where the Company sought to modify, change, or eliminate the NJDEP site remediation requirements for any of its MGP sites. This documentation should include copies of any such Company requests, the NJDEP responses, and the ultimate outcome concerning the requests.
RAC-13	A calculation of the carrying costs that the Company seeks to recover in its filing, including a computation of any amounts that represent "true-ups".
RAC-14	For each of the Company's MGP sites, provide a schedule showing the current status of the remediation effort, estimated dates for the completion of remaining milestones (such as approvals of investigations, workplans, major remedial actions, and completed remediation phases). Also provide data on each site's potential NRD liability, major potential remediation problems, and the expected date for completion of the site remediation.